IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 12286 of 2004

Between:

Kurra Upendra, D/o Ramaswamy, R/o Dhanasari Village, Kesamudram(M), Warangal Dist.

..... PETITIONER

AND

1 The Dy. Superintendent of Police, Mahaboobabad, Warangal Dist.
2 The Station House Officer, Kesamudram Police Station, Warangal Dist.
3 The Mandal Revenue Officer, Kesamudram, Warangal Dist.
4 Koyagura Yakub Reddy, S/o Somi Reddy,
R/o Kesamudram Village & Mandal, Warangal Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the property of the petitioner bearing Sy.No.235/14, admeasuring Ac.1.10 guntas situated at Dhanasari Village, Kesamudram Mandal, Warangal Dist., as arbitrary and illegal

Counsel for the Petitioner: MR.P.GIRI KRISHNA

Counsel for the Respondent Nos.1 to 3: GP FOR HOME

Counsel for the Respondent No.4: ---

The Court made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents 1 to 3, at the instance of the fourth respondent, in interfering with the peaceful possession and enjoyment of her land in an extent of Ac.1.10 gunats in Survey No.235/14 situated at Dhanasari village, Kesamudram Mandal, Warangal District.

2. According to the petitioner, she is a physically handicapped and un-married woman and inherited Ac.1.10 guntas of land from her parents towards her share and she has been enjoying the same by doing agriculture. It is stated that the fourth respondent with a *mala fide* intention to grab the petitioner's land, is trying to dispossess her with the assistance of respondents 1 to 3 on the ground that certain amount is owed by the petitioner's parents to the fourth respondent, without resorting to any legal proceedings. According to the petitioner, the said action of respondents 1 to 3 is illegal and without jurisdiction, therefore sought for appropriate direction.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

4. Admittedly, the petitioner is claiming to be the owner of an extent Ac.1.10 gunats of land situated in Survey No.235/14 of Dhanasari village, Kesamudram Mandal, Warangal District to which she succeeded from her parents. If the fourth respondent is entitled to recover any amount on account of the amounts borrowed from him by the petitioner's parents, it is always open to the fourth respondent to proceed legally by instituting civil proceedings, but, at his instance,

respondents 1 to 3 are not entitled to interfere with the peaceful possession of the petitioner.

5. Under the above circumstances, the writ petition is disposed of directing the respondents not to interfere with the peaceful possession of the petitioner.

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16.07.2004

Note: Furnish CC by Monday

(B/O)

VGB

To

1 The Deputy Superintendent of Police, Mahaboobabad, Warangal Dist.
2 The Station House Officer, Kesamudram Police Station, Warangal Dist.
3 The Mandal Revenue Officer, Kesamudram, Warangal Dist.

4 2CCs to the Govt. Pleader for Home, High Court Buildings, Hyderabad (OUT)

5 2CD copies